Túpac Amaru

más allá de la sentencia

FACSIMIL DEL MANUSCRITO DE LA SENTENCIA A TÚPAC AMARU

MUNICIPALIDAD PROVINCIAL DEL CUSCO

Túpac Amaru, más allá de la sentencia. Documentos sobre la Gran Rebelión 1780 - 1783

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Proyecto: Mejoramiento de servicios culturales para la participación de la población en las industrias culturales y artes en el centro histórico del distrito de Cusco – Provincia de Cusco – Departamento de Cusco.

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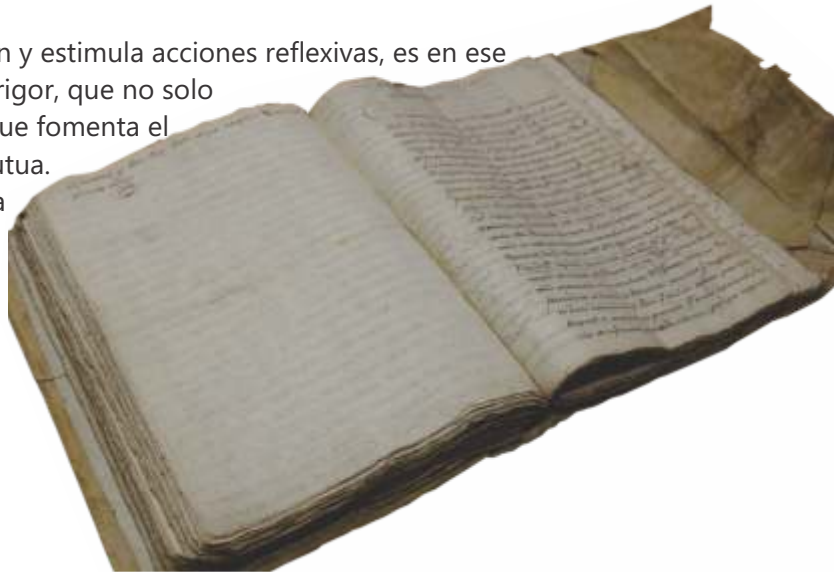
La La Municipalidad Provincial del Cusco, en su compromiso constante con el cuidado y con la defensa del patrimonio de la ciudad, ha asumido la responsabilidad de resguardar no solo los monumentos históricos y arqueológicos, sino también de preservar el patrimonio inmaterial que conforma nuestra identidad cultural. Parte esencial de este patrimonio, es la memoria histórica que nos conecta con figuras como José Gabriel Condorcanqui Noguera, Túpac Amaru II, cuya lucha por la justicia e igualdad sigue siendo un referente para todos los peruanos. Esta tarea, de preservar y difundir la historia, responde a la necesidad de mantener vivo nuestro legado para que las futuras generaciones comprendan el significado de su pasado y el valor de su herencia. La figura de José Gabriel Condorcanqui, Túpac Amaru II, precursor de la emancipación indoamericana, encarna el bravío espíritu del Cusco, pues su liderazgo durante la gran rebelión del siglo XVIII condujo una lucha por la dignidad de los pueblos de Sudamérica, un cometido que hoy sigue siendo prioritario.

Túpac Amaru II nos representa, no solo como cusqueños, sino como una sociedad anhelante de sus derechos originarios y sociales. Su legado es un motivo de orgullo y nos recuerda la fortaleza de nuestra identidad colectiva. El libro que con mucha satisfacción presento Tupac Amaru, más allá de la sentencia - Documentos sobre la Gran Rebelión, 1780 – 1783, es un testimonio de aquella lucha y del alto precio que ha costado y sigue costando la reivindicación cultural y ciudadana. Esta publicación es un llamado a reflexionar sobre nuestros cimientos y a renovar nuestro espíritu impregnándolo de probidad y dignidad.
Es pertinente mencionar que la biblioteca Municipal del Cusco, Gustavo Pérez Ocampo, custodia el manuscrito de la sentencia a Túpac Amaru II, documento de alto valor histórico y museístico que demanda ser reconocido como tal, por lo que se realizan gestiones para ser declarado Patrimonio Cultural de la Nación por el Ministerio de Cultura. Justamente, el valioso texto de la sentencia es parte fundamental de esta publicación, que está complementada con aportes dados por nuestros reconocidos juristas y autoridades, por lo que es meritorio ponderarlos.

Cabe destacar que como parte del homenaje que la Municipalidad Provincial del Cusco rinde a este gran personaje cusqueño, se está gestionando la repatriación desde España de los restos simbólicos de quien fuese el hijo menor de José Gabriel Condorcanqui Noguera, a quien con cariño llamamos Fernandito Tupac Amaru Bastidas, cuyo destino fue tan cruel como la propia sentencia de sus padres, quien aun siendo niño, un 18 de mayo de 1781, fue obligado a presenciar la inhumana ejecución de sus padres y hermano para luego, ser desterrado. Será un gran gesto histórico el tener en Cusco parte de los vestigios del sepulcro de Fernandito.

La lectura abre los caminos de la comprensión y estimula acciones reflexivas, es en ese sentido, publicar y difundir este libro de alto rigor, que no solo contribuye al enriquecimiento cultural, sino que fomenta el diálogo entre generaciones y la tolerancia mutua. Leerlo nos impulsará a ser protagonistas en la tarea de construir un Perú más justo y equitativo y a sentirnos orgullosos de pertenecer a una gran Nación.



La sentencia a Tupac Amaru

Una alternativa de difusión

Documento custodiado en la Biblioteca Municipal del Cusco "Gustavo Pérez Ocampo"

Oleo del Mto. Manuel Gibaja Gonzáles

En la Causa Criminal que ante mi pende, y se ha seguido de Oficio de la Real Justicia contra José Gabriel Tupac Amaru Cacique del Pueblo de Tongasuca en la Provincia de Tinta por el horrendo Crimen de Rebelion ó Alzamiento General de los Indios, Mestisos, y otras Castas, pensado há mas de cinco años y executado en quasi todos los territorios de este Virreynato, y el de Buenos Ayres con la idea (en que esta comencido) de quererse Coronar Señor de ellos, y libertador de las que llamava miserias de estas Clases de Havitantes que logró seducir ala qual dió principio con hacerse asu Corregidor Don Antonio de Arriaga: observados los terminos de las leyes en que ha hecho de Acusador Fiscal el D. D. José Saldivar y Saavedra Abogado de la Real Audiencia de Lima, y Defensor el D. D. Miguel de Yturrizarra tambien Abogado de la propia Audiencia Vistos los Autos y lo que de ellos Resulta.

Fallo atento asu merito y aque el Reo ha intentado la fuga del Calabozo, en que se halla preso por dos ocasiones como consta de 1188 á 1194 buelta y de 1231 á 1235 é igualmente ó lo interesante que es al Público y atodo este Reyno del Perú para la mas pronta tranquilidad de las Provincias sublevadas por él la noticia de su execucion de la Sentencia y su muerte evitando con ella las varias ideas que se han extendido entre quasi toda la Nacion de los Indios llenos de Superticiones que los inclinan á creer la imposibilidad de que se le imponga pena Capital por lo elevado de su Caracter creyendole del tronco principal de los Yngas como se ha titulado, y por eso Dueño absoluto y natural de estos Dominios y su vasallage:. Poniendome tambien á la Vista la naturaleza, condicion, varias costumbres, y educacion de estos mismos Indios y de las otras Castas de la Peru las quales han contribuido mucho ala mayor

facilidad en la execucion de las depravadas inclinaciones de dho Reo
Gabriel Tupac Amaro teniendolos alucinados, submissos, prontos
obedientes à qualesquiera orden suia, que han llegado hasta los
menos arrecistin el vigoroso fuego de nuestras Armas conteniendo
natural favor, y les ha hecho manifestar un odio implacable à
Europeo, ò a toda Cara blanca, ò Puca cuncas, como ellos se expli
haciendose Autores èl, y estos de innumerables estragos, insultos
muertes, Robos, Incendios, Stupros, violencias inauditas, profanacio
Yglecias, Vilipendio de sus Ministros, escarnio de las mas tremen
Armas suias qual es la Excomunion contemplandose inmune
ò exemptos de ellas por asegurarselo assi con otras malditas
piraciones el que llamaban su Inga quien al mismo tiempo pu
blicava en las innumerables combocatorias, Bandos y Oraçones
(de que ay bastantes originales en estos Autos) que no iva contra
Yglecia, la privava como và dicho de sus maiores fuerzas, y pot
tad, haciendose Legislador en sus mas Sagrados, Arcanos y Ar
misterios, cuyo sistema seguia del proprio modo contra su Lexi
mo Soverano, contra el mas augusto, mas veneno, mas reca
venerable, y amable de quantos Monarcas han ocupado hasta
ora el Trono de España, y de las Americas, privando à una vida
Potestad de sus mas particulares prerrogativas y poder que tenia
las Doctrinas, Curas, se reivia en las Yglecias vajo de palio, nom
va Justicias maiores en las Provincias, quitava los Repartimientos
ò Comercio permitido por Tarifa à sus Jueces levantava las co
ciones Eclesiasticas extinguia las Aduanas Reales y otros Ge
que llamava injustos: Abria y quemava los Obrajes aboliendo
gracias de Mitas que conceden las Leyes municipales à sus Repar
tivo destinos; mandava embargar los bienes de los particulares
avitantes de ellas, y no contenco con esto queria executar lo mismo
tomando los Caudales de las Arcas Reales. Imponia pena de Mil

dos que no le obedeciesen: Plantava ò formava horcas acste fin entodos los
Pueblos executando muchas: se hacia pagar Tributos: Sublevava con esto me-
dio, y sus Diavolicas obras las Poblaciones, y Provincias, sustrayendo à
sus moradores de la Obediencia justa de su legitimo y verdadero Señor à
quien que està puesto por Dios mismo, para que las mande en calidad de
Soberano hasta dejar pasar en sus Frobas la iniqua ilucion de que resu-
citarian despues de Coronado à los que muriesen en sus Combates teniendo,
ò haciendoles creer que èra justa la Causa que defendia tanto por su liber-
tador como por el Dr̃o de ser el unico Descendiente del Tronco principal,
de los Ingas, mandando fundir Cañones como fundiò muchos, para opo-
nerse ala autoridad del Rey, y sus poderosas, y triunfantes Armas, fabri-
cando las Campanas de las Yglesias, y Cobre que robò à este uso: Asigna-
ba à lugar de su Palacio y el metodo de su Legislacion para quando fuese Gefe
universal de esta tierra, y queria hacer patente su Jura a toda su Nacion
atribuiendose dictados Reales como lo comprueba el Papel Borrador de
fol 10º que se encontrò en su mismo vestido que lo convence. Se hizo
pintar y retratar en prueba de estos Designios torpes con insignias
Reales de Uncu, Mascapaycha, y otras poniendo por Frofeo
el triunfo que se atribuiva haver conseguido en el Pueblo de Sangarara
representando los muertos y heridos con las Llamas que abrasaron
la Yglesia de èl, y la libertad que diò a los que se hallavan en sus Carce-
les; y ultimamente desde el principio de su traicion mandò y man-
dava como Rey valo el frivolo y falso pretexto de ser Descendien-
te legitimo y unico, segun và indicado de la Sangre Real de los Em-
peradores Gentiles, y con especialidad del Inga Felipe Tupac Amaro
cuia Declaracion se usurpò desde luego sin facultad, pues aun en el
Tribunal de Real Audiencia de Lima donde pendia esta Causa no
le havia declarado ningun Dr̃o à esta Descendencia antes por el
contrario havia fundamentos bien seguros para negarsela cuias
presumbciones de entroncamiento no obstante de hallarse en este tan
dudoso estado han hecho tal impresion en los Indios que llevados

de esta le hablavan, y escrivian en medio de su Rudeza con la ma
Sumicion, y respecto tratandole à veces de Señoria, Co.ª Altesa, y
Magestad viendo de baxias Provincias a rendirle la propia
obediencia y vasallage, faltando en esto alas obligaciones tan
trechas de fidelidad y Religion que tiene el. y todo Vasallo con su
natural, prueba clara, evidente y doloxosa del estraviado esp
tu conque se govierna esta infeliz Clase y tamvien de quan poc
conoce la subordinacion y acatamiento devido ala legitima Potes
de nuestro adorable Soverano, dejandose persuadir maliciosam
te de los ofrecimientos de este Traidor ingrato, y mal vasallo
de quien y de su Real Audiencia, se lima de su Como Señor Virrey
y de mi fingia que tenia ordenes para executar lo que tan bar
ramente executava, y devio no ecsen licito el mas Idiota, viera de
en quanto à sus ofentas no podian ignorar los Indios que los Ecs
timientos, ò enunciado Comercio de Saxifa permitido à sus Jues
territoriales se iva aquitar tan en breve como ha señalado la e
periencia constandoles à si esto como que nuestro respectable Sob
rano deseava y procuraba segun ha deseado y procurado siem
pre su alivio: Tamvian savian que las obenciones no las pagav
ni han pagado sinò por su propia voluntad libre y espontan
apeteciendolo y anelandolo muchos de ellos mismos por los entiem
de pompa y uso de los dias Sagrados Sacramentos con la ostes
tacion que les ocaciona crecidos gastos; pues à sus respectivos
Doctrineros, ò Curas se les satisface y ha satisfecho el correspond
ente Sinodo, sinque tengan estos Dro ò accion à otros emolume
tos ò obenciones. Tamboco han devido ignorar este insurgente
sus malvados Seguaces para unirsele por sus promesas que
forme ala ley del Reyno estan esemptos de Alcavala segun
observa escrupulosamente en lo que es de su crianza, labranza, y
pia, è industria de estos; pero de suerte que para que este vene

y liberalidad nolo combientan como lo suelen combertir en agravio
de nuestro Rey y Señor sirviendole ellos mismos de defraudadores
el referido Real Drõ de Alcavalas, llevando en su Cavesa, ò a su nom-
bre con Guias supuestas à las Ciudades ò Pueblos de Consumo y Comercio
lo que no ès suio ò no les pertenece siendo de otros no esentos contra-
viniendo en esto à todas las Leyes de Cristianos, de Vasallos y de hom-
bres de bien, ò de verdad, Justicia, y Rectitud; A cuio fin y para que
cumplan con estas cualidades, y aquellas Soberanas Decisiones se hà
procurado siempre que dhas Guias se examinen y vean con cuidado,
y las saquen, las lleven, y se las den sin costo ni detencion alguna los
Ministros Recaudadores de este Real Drõ y celadores de tales fraudes
que han cometido y comete con repeticion esta Clase de privilegiado
cuio celo justo, y diligencia devida, llamar escandalosamente este Fraude
opresion y gravamen sin conocer que son los Indios quien le han for-
mado siès que lo ès y no Minera à que de otro modo estan avenu-
rados los Caudales ò Sagradas Rentas del estado: Saviendo igualmente
èl, y los de su mal educada Nacion que ninguna otras pensiones
Reales pagan, y àun quando las pagaran la Religion y el Vasallage
les dicta, enseña y demuestra el cumplimiento de lo mandado en este
punto por los legitimos Superiores atendiendo à que estos no anelan
à otra cosa que à subirlos à su mayor y mas completa felicidad y que
estos Drõs son presisos indispensables para la defensa de nuestra amada
y venerada Santa Yglecia Catolica para amparo de ellos, y de los
otros sus Com vasallos manteniendolos en Justicia, ò para defenderlos
contra toda Potestad enemiga ò quales quiera Persona que les insul-
te, ò insultase perjudique, ò perjudicase en sus vidas en sus bienes
en sus Haziendas, en sus honras y en su quietud ò sosiego. Conci-
derando pues à todo esto y las libertades con que comvidò este Vi-
insurgente à los Indios y demas Castas para que se le uniesen, hasta
ofrecer à los Esclavos la de su esclavitud y reflecionando funtamente
el infeliz y miserable estado en que quedan estas Provincias que alterò

y con difficultad subsanaran ò se restablecieran en muchos años
los perjuicios causados en ellas por el referido Josef Gabriel Tupac
Amaro, con las detestables maximas esparcidas y adoptadas en
los de su Nacion y Socios ò confederados atan horrendo fin. Ma-
rando tambien los remedios que coxiò se pronto la quietud de estos
xritorios el castigo de los culpados la Justa Subordinacion à Dios, al Rey
y a sus ministros devo condenar y condeno à Josef Gabriel Tupac Ama-
ro à que sea sacado de la Plaza principal y publica de esta Ciudad
arrastrado hasta el lugar del Suplicio donde presencie la Execucion
de las Sentencias que se dieren à su cruel Micaela Bastidas, su des-
hijo Ypolito, y Fernando Tupac Amaro, à su Cuñado Antonio Bastidas
y à algunos de los otros principales Capitanes y Auxiliadores de su
iniqua y perversa intencion ò proyecto los quales han de morir
en el propio dia y concluidas estas Sentencias se le cortarà por el
Verdugo la lengua, y despues amarrado ò atado por cada uno de
los Brasos, y Pies con Cuerdas fuertes, y de modo que cada una de
estas se pueda atar ò prender con facilidad à otras que pendan de
las Sinchas de quatro Cavallos para que puesto de este modo ò de
suerte que cada uno de estos tire de su lado mirando à otras quatro
esquinas, ò Puntas de la Plaza, marchen partan, ò arranquen à cua-
tro los Cavallos de forma que quede dividido su Cuerpo en otras
tantas partes, llevandose este luego que sea hora al Terro de Pichi-
adonde tuvo el atrevimiento de venir à intimidar, citar, y pedir
que se le rindiese esta Ciudad para que alli se queme en una hoguera
que estarà preparada echando sus Zenizas al ayre, y en cuio lugar se
pondrà una Lapida de punta que cubra sus principales delitos, y
muerte, para solo memoria y escarmiento de su execrable accion
Su Cabeza se remitirà al Pueblo de Tinta para que estando cuatro
dias en la horca se ponga despues en un Palo à la entrada mas
publica del; uno de los Brasos al de Tongasuca en donde fue Cacique
para lo mismo, y el otro para que se ponga, y executelo propio en el
Capital de la Provincia de Caravaya, embiandose igualmente y

se observe la referida demonstracion: una Pierna al Pueblo de Livitaca
esta de Chumbivilcas, y la restante al de Santa Rosa en la de Lampa con
testimonio y orden alos respectivos corregidores ô Justicias Territo-
riales para que publiquen esta Sentencia con la maior solemnidad
por bando luego que llegue àsus manos, y en otro igual dia todos los
años Subsiguientes se que daràn aviso instruido alos Superiores Gobi-
ernos, aquienes reconozcan dhos Territorios: Que las Casas de este sean
arrazadas ô vatidas, y saladas avista detodos los vesinos del Pueblo
ô Pueblos adonde las tuviere, ô existan: Que se confisquen todos sus
bienes à cuio fin se dà la correspondiente Comision àlos Jueces Provin-
ciales: Que todos los individuos de su familia, que hasta aora no han ve-
nido, ni vinieren apoder de nuestras Armas, y de la Justicia que se sup-
ra por ellos para castigarlos con iguales rigorosas y afrentosas penas,
que den infames è inhaviles para adquirir, pofeer, ò obtener de qualqui-
era modo herencia alguna, ò subcesion si en algun tiempo quisieren
ò huviese quienes pretendan Dro à ella: Que se recojan los Autos se-
guidos sobre su descendencia en la expresada Real Audiencia quema-
dos publicamente por el Verdugo en la Plaza publica de Lima para que
no quede memoria de tales Documentos, y de los que solo huviere en
ellos Testimonio, se reconoceràn, y averiguarà adonde paran los Ori-
ginales dentro del termino que se asignare para la propia eje-
cucion. Y por lo que mira ala general de la Ylura Nacion de los Indios
se consultarà àsu Magestad lo oportuno con el fin de que, aora ò en
algun tiempo quisiese alguno de estos pretender Nobleza, ò Descenden-
cia igual ò semejante de los Antiguos Tebyes de su Genuidad, sea con
otras cosas que se le consultaran reservando este permiso y conocimi-
ento àsu Real Persona, con inivicion absoluta y vajo de las margna-
ves y rigurosas penas, a qualquiera Juez ô Tribunal que conozca ò entre
à esto, reciviendo semejantes Informaciones, y que las recividas hasta ao-
ra sean de ningun valor ni efecto hasta que el Rey las confirme por
ser esta Resolucion mui conforme à estorvar lo que se lee al 33 buelta

de estos Chuos reservando al propio modo a su Soberana determina-
cion la conveniente que es y sera atendida las Razones que van
indicadas ya que este Fraudon logro armarse, forman exercito
y fuerza contra sus Reales Armas, valiendose, ò seduciendo y pe-
nando con sus falsedades à los Casiquez ò Segundas Personas Sellos
en las Poblaciones, el que estas siendo de Indios no se govieren por
les Casiquez sino que las dixijan los Alcaldes electivos anuales que
votan ò nombren estas, cuidando las mismas Comunidades electi-
vas, y los Corregidores prefirir a los que sepan la lengua Castella-
na, y à los que de mejor conducta, fama y costumbres para que
traten bien y con amor a sus Subditos dispensando quando mas
por ahora que lo sean aquellos que han manifestado justamente su
inclinacion, fidelidad a el lo, respecto, y obediencia por la mayor que
ria submision y gratitud a nuestro gran Monarca exponiendo
sus vidas, Bienes ò Haziendas en defenza de la Patria y de la Reli-
gion oiendo con visarro desprecio las amenasas y ofrecimientos
del Rebelde principal y sus Gefes Militares, pero advertido
de que unicamente estos se podràn llamar Casiquez ò Governadores
de sus Ayllos ò Pueblos sin transeder a sus hijos ò resto de la Gene-
cion tal cargo: Al propio fin se prohive que usen los Indios
los trajes de su Gentilidad y especialmente los de la Noblesa de ella que solo
sirven à representarles los que usavan sus antiguos Ingas recordan-
les memorias que nada otra cosa influien que el conciliarles mas y mas
odio a la Nacion Dominante fuera de ser su aspecto ridiculo y poco
forme a la burresa de nuestra Religion, pues colocan en varias partes
al Sol que fue su primera Deydad; estendiendose esta resolucion a todas
las Provincias de esta America Meridional dejando del todo extinguidos
los trajes, tanto los que directamente representan las vestiduras de sus Fa-
les Reyes con sus Insignias quales son el Unco, que es una especie de
Camiseta, Yacollas, que son unas Mantas mui Ricas de Genero pelo mas
o tafetan, Mascapaycha que es un circulo a manera de Corona de
con descender cierta insignia de Noblesa antigua significada en una

o Ropa se lana se Alpaca colorada, y qualesquiera otros de esta especie ó
significacion lo qual se publicarà por Bando en cada Provincia para que
deshagan ó entreguen à sus Corregidores quantas vestiduras huviere en
ellas de esta Clase como igualmente todas las pinturas ó Retratos de sus
Ingas en que abundan con extremo las Casas de los Indios que se tienen
por Nobles para sobstener ó jactarse de su Descendencia las quales se
borraràn indefectiblemente como que no merecen la dignidad de estar
pintados en tales sitios, y atales fines, borrandose igualmente ó de modo
que no quede señal si huviese algunos Retratos de estos en las Paredes ù
otras partes de fixme en las Yglesias, Monasterios, Hospitales, Lugares
pios, ó Casas particulares pasandose los correspondientes Oficios
à los M. R. R. Arzobispos, y Obispos de ambos Virreynatos, por lo
que hace à las primeras sobstituiendose mejor semejantes ador-
nos por el del R.S. y nuestros otros Soberanos Catolicos en
caso de necesitarse: Tambien declaran los mismos Corregidores que no se
representen en ningun Pueblo de sus Respectivas Provincias, Comedias,
ò otras funciones publicas de las que suelen usar los Indios para
memoria de sus Dichos Antiguos Ingas, de haverlo executado de-
ran cuenta certificada à las Secretarias de los Respectivos Govierros:
Del propio modo se prohiven, y quitan las Trompetas, ó Clarines que
usan los Indios en sus funciones à las que llaman Tututo, y
son unos Caracoles Marinos de un sonido extraño, y lugubre
conque anuncian el Duelo, y lamentable memoria que hacen de
su antiguedad, y tambien el que usen ó traigan Vestido negro en
señal del luto que arrastran en algunas provincias como Recuerdo
de sus Difuntos Monarcas, ó del dia ó Tiempo de la Conquista

que ellos tienen por falta y nosotros por feliz pues se unieron al
Gremio de la Yglesia Catolica vai la amavilissima y Dulcissima Dom
nacion de nuestros REYES con el mismo objeto se prohive abso
lutamente el que los Indios se firmen Ingas como que es un dictado
que lo toma qual quiera; pero que hace infinita imporecion en los de
Clase. Mandose como se manda à todos los que tengan Arboles Ge
nealogicos ô Documentos que prueben en alguna manera sus Des
cendencias con ellos, el que los manifiesten ô remitan Certificados vale
vale por el Correo à las respectivas Secretarias de amos Virrey
natos para que alli se reconozcan sus solemnidades por las per
sonas que deputen los Excmos. SS. Virreyes consultando à su Ma
gestad lo oportuno segun sus casos &c. Cuyo cumplimiento
esten los Corregidores mui ala mira solicitando ô averiguando
quien no lo observa con el fin de hacerselo executar ò recogerlos
para remitirlos dejandoles un resguardo: Y para que estos Indios
se despeguen del Odio que han concevido contra los Españoles, u
gan los trajes que les señalan las Leyes se vistan de nuestras Co
tumbres Españolas, y hablen la lengua Castellana, se introduciran
con mas vigor que hasta aqui el uso de sus Escuelas vajo las
penas mas rigurosas y justas contra los que no las usen despues
de pasado algun tiempo en la que puedan haver aprehendido, pa
sandose con esta propia idea Oficios de Ruego y encargo alos Ex
RR. Prelados Eclesiasticos para que en las oposiciones de Curatos
ô Doctrinas atiendan mui particularmente à los Opositores que
traigan Certificaciones de los Jueses Provinciales del maior numero
no de Feligreses que hablen en ellas dicha lengua Castellana, pon
endo en las terminas que remitan à los SS. Vice Patronos esta cuen
tancia respectiva à cada uno de los propuestos dandose para hablar
la perfectamente ò de modo que se explique en todos sus asuntos

enel termino de quatro años, y que los SS. Obispos y Corregidores den
quenta en cada uno de estos al respectivo Superior Govierno: Quedando
el Soberano arbitrio de su Magestad el premiar y distinguir à aquellos
Pueblos cuios vasallos huviesen correspondido enlas circunstancias
presentes dela justa lealtad y fidelidad que le es devida. Finalmente
queda prohivida en Obsequio de haver cautelas la fabrica de Canones
de toda especie bajo la pena àlos fabricantes Nobles de diez años
de Presidio en qualesquiera de los de Africa, y siendo Plebeyos docien-
tos Azotes y la mesma pena para el proprio tiempo reservando
por àora tomar igual resolucion en quanto dela fabrica de Polvora
que se seguirà luego, y porque ay en muchas Haciendas, Fraviches
y Obrajes de estas Provincias variedad de ellos de quasi todos Cali-
bres se recogeran por los Corregidores acavada integramente la pa-
sificacion de este Alzamiento para dar quenta àla respectiva Capi-
tania General con el fin de que seles dè el uso que parezca proprio.
Asi lo proveyo, mandè y firmè por esta mi Sentencia difinitiva-
mente, fusgando = Josef Antonio de Areche.
Diò y pronunciò la anterior Sentencia el Mui Yl.e Señor Don
Josef Antonio de Areche Cavallero de la Real distinguida orden
de Carlos Tercero del Consejo de su Magestad enel Real y Supre-
mo de Indias Visitador General de los Tribunales de Justicia y
Real Hacienda de este Reyno. Superintendente de ella, Ynten-
dente de Exercito. Subdelegado de la Real Renta de Tabacos,
Comisionados con todas las facultades del Como Señor Virrey
de este Reyno para entender enlos asuntos de la Revelion
executada porel vil Traidor Tupac Amaro. enel Cuzco a quin-
ce de Mayo demil setecientos ochenta y uno = siendo Testigos
Don Fernando de Sabedra Contador de Visita, Don Juan

Oyarzabal, y Don Jose Sañz, Hque certifico = Manuel de
pinavete Lopez.

El mauscrito histórico es una pieza custodiada en la biblioteca Municipal del Cusco "Gustavo Pérez Ocampo bajo las medidas de conservación adecuadas para su preservación óptima, debido a que constituye un vestigio valioso para la historia sudamericana y universal.

La sentencia a Tupac Amaru

Una alternativa de difusión

Traducción al inglés del documento de la Colección Documental del Bicentenario de la Revolución Emancipadora de Túpac Amaru. Volumen III.

Oleo del Mto. Manuel Gibaja Gonzáles

The sentence issued by the General Inspector of the Kingdom, José Antonio de Areche, against José Gabriel Túpac Amaru.

In Cusco, on May 15, 1781. In the criminal case pending against me, initiated ex officio by the Royal Court against José Gabriel Túpac Amaru, cacique of the town of Tungasuca in the province of Tinta, for the horrendous crime of rebellion or general uprising of the Indians, mestizos, and other castes, which was planned over five years ago and carried out in almost all the territories of this viceroyalty and that of Buenos Aires, with the idea (which he is convinced of) of wanting to crown himself as their lord and liberator of those he called the miserable classes of these inhabitants whom he succeeded in seducing, and which began by hanging his corregidor, Don Antonio de Arriaga; having observed the due process of law in which the prosecutor has been Dr. José Zaldívar y Saavedra, attorney of the Royal Court of Lima, and the defender, Dr. Miguel de Iturrizarra, also attorney of the same court, after reviewing the proceedings and the results: I rule, in consideration of its merits and the fact that the accused has attempted to escape from the cell in which he was imprisoned on two occasions, as evidenced from folios 188 to 194, and from folios 237 to 244, and likewise considering how important it is to the public and to this entire Kingdom of Peru for the swiftest restoration of peace in the provinces that he has incited, that the news of the execution of the sentence and his death, by which the various ideas that have spread among almost the entire Indian nation, full of superstitions inclining them to believe in the impossibility of imposing the death penalty on him due to the loftiness of his status, believing himself to be of the principal lineage of the Incas, as he has titled himself, and thus the absolute and natural lord of these territories and their vassalage, also bringing to light the nature, condition, low customs, and education of these very Indians, and those of the other castes of the lower classes, which have greatly contributed to the ease of executing the depraved inclinations of the said accused, José Gabriel Túpac Amaru. keeping them deluded, submissive, ready, and obedient to any of his orders, to the point that they have even confronted our forces and resisted the vigorous fire of our weapons despite their natural fear. He has incited them to manifest an implacable hatred toward all Europeans or any white face, or pucacuncas, as they call them, becoming the author, along with his followers, of countless devastations, insults, horrors, robberies, murders, rapes, unheard-of violence, profanation of churches, vilification of their ministers, and scorn for their

most powerful weapon, which is excommunication, considering themselves immune or exempt from it because of his assurances and other accursed inspirations. They called him their Inca, who, at the same time as he declared in countless proclamations, edicts, and orders (many of which are included in these proceedings) that he was not against the Church, deprived it of its greatest powers and authority as previously mentioned, making himself a legislator in its most sacred mysteries and ministries. This same system he used against his legitimate sovereign, the most august, most benevolent, most righteous, most venerable, and most beloved of all monarchs who have so far occupied the throne of Spain and the Americas. He stripped both this high authority and the Church of their most particular prerogatives and power. He appointed priests to the doctrines; he was received in churches under a canopy; he appointed justices in the provinces; he abolished the repartimientos, or trade permitted by tariffs to his judges; he took away ecclesiastical obventions; extinguished the royal customs and other rights he deemed unjust; opened and burned the archives; abolished the privileges of mita granted by municipal laws to their respective appointments; ordered the seizure of the goods of private inhabitants; and, not content with this, wanted to do the same by seizing the funds of the royal coffers. He imposed the death penalty on those who did not obey him; he erected or formed gallows for this purpose in all towns, executing many; and demanded payment of tributes; he incited entire towns and provinces with fear and his diabolical promises, leading their inhabitants away from the rightful obedience to their legitimate and true lord, the one appointed by God Himself to rule over them as their sovereign. He even let the wicked illusion spread among his troops that after he was crowned, he would resurrect those who died in combat, convincing them or making them believe that the cause he defended was just, both as their liberator and by the right of being the only descendant of the main lineage of the Incas. He ordered cannons to be cast, many of which he did, to oppose the authority of the king and his powerful and victorious forces, repurposing the bells of churches and the copper he had stolen for this use. He designated the location of his palace and the method of his legislation for when he would be the universal ruler of this land and wanted to make his oath known to his entire nation, attributing to himself royal titles, as evidenced by the draft found on folio 139, discovered in his own clothing, which proves it. He had himself painted and portrayed, as proof of these foolish designs, with royal insignias of unco, mascapaicha, and others, using as trophies the victory he claimed to have achieved in the town of Sangarará, depicting the dead and wounded along with the

flames that consumed its church, and the freedom he gave to those imprisoned in its jails. Finally, from the very beginning of his treachery, he commanded and ruled as King under the frivolous and false pretense of being the legitimate and sole descendant, as previously stated, of the royal bloodline of the pagan emperors, particularly of Inca Felipe Túpac Amaru, whose lineage he falsely claimed without authority, since even the tribunal of the Royal Audience of Lima, where this case was pending, had not declared any right for him to such a descent. On the contrary, there were solid grounds to deny it. Despite the doubtful status of his alleged lineage, these presumptions made such an impression on the Indians that, driven by this belief, they spoke to him and wrote to him, in their rough manner, with the greatest submission and respect, sometimes addressing him as "lordship," "excellency," "highness," and "majesty," coming from various provinces to offer their own obedience and vassalage. In doing so, they failed in the strict obligations of loyalty and religion that he and every vassal have to their natural king, a clear, evident, and sorrowful proof of the misguided spirit with which this unfortunate class is governed, and also of how little they understand the subordination and reverence owed to the legitimate authority of our beloved sovereign, allowing themselves to be maliciously persuaded by the promises of this traitor, ungrateful and disloyal vassal, who pretended to have orders from the Royal Audience of Lima, from His Excellency the Viceroy, and from me to carry out the barbarous acts he committed. Not even the most ignorant should have believed this to be lawful, especially since regarding his promises, the Indians could not have ignored that the repartimientos or aforementioned tariff-based trades, permitted to their territorial judges, were to be abolished as soon as indicated by experience, just as they knew that our respectable sovereign desired and always sought their relief. They were also aware that the obventions were not, and have never been, paid except by their own free and spontaneous will, many of them even desiring and yearning for them for the pompous burials and use of other sacred sacraments, whose ostentation incurred significant expenses. They also knew that their respective doctrinarians or parish priests have been, and are, compensated with the corresponding stipend without any right or claim to other emoluments or obventions. Nor should this insurgent and his wicked followers have ignored that, according to the law of the kingdom, they are exempt from the alcabala tax, as is scrupulously observed for what pertains to their upbringing, their own agriculture, and the products of their industry. However, to ensure that this benefit and generosity is not converted—as they often tend to

do—into an affront to our king and lord, they themselves should not serve as defrauders of the aforementioned royal alcabala tax by carrying goods in their own name or under false guides to the cities or towns of consumption and trading goods that do not belong to them and are not theirs, being owned by others who are not exempt, thus contravening all laws of Christians, of vassals, and of honest men regarding truth, justice, and integrity. For this reason, and to ensure compliance with these qualities and sovereign decisions, efforts have always been made to carefully examine and review said guides, which must be issued, carried, and given, without any cost or delay, by the tax collection officials for this royal duty and overseers of such frauds that this class of privileged individuals has repeatedly committed. This traitor scandalously calls this rightful zeal and due diligence oppression and burden, failing to recognize that it is the Indians who have caused it—if such a burden exists—and without acknowledging that otherwise, the funds or sacred revenues of the state would be at risk. He and his poorly educated nation know well that no other royal dues are imposed, and even if they were to pay them, religion and vassalage dictate, teach, and demonstrate compliance with what is commanded in this matter by legitimate superiors, considering that they seek nothing other than to elevate them to their highest and most complete happiness. These duties are essential and indispensable for the defense of our beloved and revered Holy Catholic Church, for the protection of the Indians and their fellow vassals, maintaining them in justice, or defending them against any enemy power or any person who might insult or harm them, or threaten their lives, their properties, their estates, their honors, and their peace or tranquility. Considering all of this, and the liberties with which this vile insurgent enticed the Indians and other castes to join him, even promising freedom to the slaves from their bondage, and reflecting on the unfortunate and miserable state in which these provinces now find themselves—disrupted and with great difficulty to recover or be restored from the harm caused by the aforementioned José Gabriel Túpac Amaru, along with the detestable doctrines spread and adopted among his nation and his accomplices and confederates for such a horrendous purpose—and also taking into account the measures urgently required to restore peace in these territories, the punishment of the guilty, and the rightful subordination to God, the King, and His ministers, I must sentence and do hereby sentence José Gabriel Túpac Amaru to be taken to the main and public square of this city, dragged to the place of execution, where he shall witness the carrying out of the sentences given to his wife, Micaela Bastidas, his two sons, Hipólito and Fernando

Túpac Amaru, his uncle Francisco Túpac Amaru, and his brother-in-law Antonio Bastidas and to some of the other principal captains and supporters of his wicked and perverse intention or project, who must die on the same day. Once these sentences have been carried out, the executioner will cut out his tongue, and then, bound or tied by each of his arms and legs with strong ropes—each rope being able to be easily tied or fastened to others hanging from the harnesses of four horses—he will be positioned in such a way that each horse pulls in its own direction, facing the four corners or edges of the square. At a command, the horses shall move, tear, or rend, so that his body is divided into as many parts. These remains will then be taken, at the appropriate time, to the hill known as Piccho, where he had the audacity to come and intimidate, besiege, and demand the surrender of this city. There, a pyre will be prepared for his remains to be burned, and his ashes scattered to the wind. At that spot, a stone will be erected, inscribed with his principal crimes and his death, serving only as a reminder and warning of his execrable actions. His head will be sent to the town of Tinta, where, after hanging on the gallows for three days, it will be placed on a pole at the most public entrance of the town. One of his arms will be sent to Tungasuca, where he was a cacique, to be displayed in the same manner, and the other to be similarly exhibited in the capital of the province of Carabaya. Likewise, one leg will be sent to the town of Livitaca, in the province of Chumbivilcas, and the other to the town of Santa Rosa, in the province of Lampa, along with a formal notice and order to the respective corregidores or territorial justices to publicly announce this sentence with the utmost solemnity, by decree, as soon as it reaches their hands, and on the same day in each subsequent year, notifying the superior governments that recognize said territories. The houses belonging to him are to be razed, beaten down, and salted in view of all the townspeople where he had residences or property. All his goods are to be confiscated; for this purpose, the corresponding commission is given to the provincial judges. All members of his family who have not come into the power of our arms and the justice that longs to punish them with the same rigorous and disgraceful penalties shall remain infamous and unfit to acquire, possess, or obtain, in any manner, any inheritance or succession, should anyone at any time wish to claim rights to it. The records pertaining to his lineage in the aforementioned royal audience are to be gathered and publicly burned by the executioner in the public square of Lima, so that no memory of such documents remains. Any testimony that exists within those records will be verified, and the whereabouts of the originals will be investigated within the timeframe assigned for their execution. As for the general issue

concerning the entire Indian nation, His Majesty will be consulted on the appropriateness of preventing anyone from claiming nobility or descent equivalent or similar to the ancient kings of their gentility, reserving this permission and knowledge to His Royal Person, with an absolute prohibition and under the gravest and most rigorous penalties against any judge or court that violates this, receiving such claims. Any claims received up to this point shall be deemed of no value or effect until the King confirms them, as this resolution is very much in line with preventing what is recorded on page 3 of these records, reserving, likewise, the appropriate course of action to his sovereign determination, considering the reasons indicated, and the fact that this traitor succeeded in arming himself, forming an army and force against His Royal Arms, using or seducing the caciques or second-ranking individuals among the indigenous populations, own communities should not be governed by such caciques, but instead be directed by the annually elected alcaldes, chosen or appointed by these communities, with the same electoral communities and corregidores preferring those who know the Spanish language and have better conduct, form, and customs, so that they may treat their subjects well and with love. This is especially true for those who have justly shown their inclination, loyalty, eagerness, respect, and obedience for the greater glory, submission, and gratitude to our great monarch, exposing their lives, goods, or properties in defense of the homeland and religion, dismissing with bold contempt the threats and offers of said rebellious leaders and their military chiefs. However, it is noted that only they can be called caciques or governors of their ayllus or towns, and this title shall not be passed down to their children or descendants. Additionally, the use of traditional attire by the indigenous people, especially that of the nobility, is prohibited. Such clothing serves only to remind them of what their ancient incas wore, fostering feelings of hatred towards the dominant nation, apart from being a ridiculous sight that does not conform to the purity of our religion, as they often display images of the sun, which was their primary deity. This resolution extends to all provinces of South America, completely extinguishing such attire, including those that directly represent the garments of their noble kings with their insignias, such as the unco, which is a type of shirt; the yacollas, which are very rich velvet or taffeta blankets; the mascapaicha, which is a circle resembling a crown from which a certain insignia of ancient nobility is hung, represented by a tuft or tassel of colored alpaca wool; and any other garments of this nature or significance. This will be publicly announced in each province so that they may discard or surrender their corregidores to remove any

garments of this kind that may be found in their regions, as well as all paintings or portraits of their incas, which are extremely abundant in the houses of those Indians who consider themselves noble, to support or boast of their lineage. These will be irrevocably erased, as they do not deserve the dignity of being depicted in such places and for such purposes. Any portraits of these figures on walls or other firm structures in churches, monasteries, hospitals, pious places, or private homes will also be removed so that no trace remains. The corresponding orders will be sent to the very reverend archbishops and bishops of both viceroyalties regarding the first matter, and similar decorations will be substituted with those of the king and our other Catholic sovereigns if needed. The corregidores will also ensure that no plays or other public performances that the Indians usually conduct in memory of their ancient incas are represented in any town of their respective provinces, and they will provide certified accounts of any occurrences to the secretariats of the respective governments. Likewise, the use of trumpets or clarions by the Indians in their ceremonies, which they call pututos, will be prohibited. These are sea shells that produce a strange and mournful sound, used to announce mourning and to commemorate their antiquity. It is also forbidden for them to wear black clothing as a sign of mourning, which they do in some provinces in remembrance of their deceased monarchs and the day or time of the conquest, which they consider fatal and we consider fortunate, as they joined the Catholic Church and the most amiable and sweet dominion of our kings. With the same aim, it is absolutely forbidden for the Indians to sign as incas, as this is a title that anyone can take, but it makes an immense impression on those of their class. All those who possess family trees or documents that somehow prove their descent from them are commanded, as ordered, to manifest or send certified copies free of charge via mail to the respective secretariats of both viceroyalties so that their claims may be recognized by the individuals appointed by the most excellent viceroys. They will consult His Majesty on the appropriateness of each case, and the corregidores are to closely monitor the compliance of this order, seeking out who does not observe it to enforce it or collect such documents for submission, leaving them with a receipt. To help these Indians detach from the hatred they have conceived against the Spaniards and to follow the clothing prescribed by the laws, they must dress in our Spanish customs and speak the Spanish language. The use of their schools will be promoted more vigorously than before, under the most rigorous and just penalties against those who do not attend after a certain period in which they could have learned. With this idea in mind,

requests will be sent to the very reverend ecclesiastical prelates, urging them to pay particular attention to the candidates for parishes or doctrinas who provide certifications from the provincial judges regarding the number of parishioners who speak Spanish. They must include in the lists they send to the viceroy patrons this specific circumstance for each of the proposed candidates, giving them four years to speak Spanish perfectly or to the extent that they can explain all their affairs. The bishops and corregidores must report on each of these cases to their respective superior government, and it remains at the sovereign discretion of His Majesty to reward and distinguish those towns whose vassals have shown just loyalty and fidelity in these circumstances. Finally, in deference to these precautions, the manufacture of cannons of any kind is prohibited, with a penalty of ten years of imprisonment in any part of Africa for noble manufacturers and two hundred lashes plus the same prison sentence for commoners. A similar resolution regarding the manufacture of gunpowder will follow later. Since there are many estates and sugar mills and workshops of these provinces, a variety of them in almost all calibers, will be collected by the corregidores after the complete pacification of this uprising, to report to the respective captaincy general for appropriate use. Thus I decree, command, and sign this my definitive judgment. (signed): José Antonio de Areche The previous sentence was given and pronounced by the very illustrious Mr. D. José Antonio de Areche, Knight of the royal and distinguished Spanish order of Carlos III, of the Council of His Majesty, in the Royal and Supreme Court of the Indies, General Visitor of the courts of justice and royal treasury of this kingdom, Superintendent of it, Intendant of the army, Deputy of the royal tobacco revenue, Commissioned with all the faculties of the Excellency. Mr. Viceroy of this Kingdom, to deal with the matters of the rebellion executed by the vile traitor Tupac-Amaru. In Cuzco, on May 15, 1781, in the presence of witnesses, Mr. Fernando Saávedra, Visiting Accountant, Mr. Juan de Oyarzabal, and Mr. José Sacin, of which I certify, Manuel Espinavete López. I also certify that, by Juan Bautista Gamarra, Notary of His Majesty, public and of the Cabildo of this city, a testimony was given, which, attached to the corresponding records, states as follows: "I, Juan Bautista Gamarra, Notary of His Majesty, public and of the Cabildo of this city of Cuzco, certify, give faith and true testimony to those who see the present, that today, Friday the 18th of May of the current year 1781; the orders contained in the previous sentence regarding José Gabriel Tupac-Amaru are executed, taking him to the main and public square of this city, dragging him to the place of execution on horseback, where he witnessed the

execution of the sentences given to Micaela Bastidas, the wife of said Tupac-Amaru, to his two sons Hipólito and Fernando Tupac Amaru, to his brother-in-law Antonio Bastidas, to his uncle Francisco Tupac-Amaru, and to the other leaders of his wicked and perverse troop. Once the executioners had completed the sentences for all the condemned, one of the aforementioned executioners cut off the tongue of José Gabriel Tupac Amaru, and then they bound each of his arms and legs with strong ropes, so that they were tied to the saddles of four horses, which faced the four corners of the main square. Having made the signal to pull, they divided the body of the said traitor into four parts; his head was sent to the town of Tinta, one arm to Tungasuca, another to the capital of the province of Carabaya, one leg to the town of Livitaca in Chumbivilcas, and the other to Santa Rosa in Lampa. The rest of his body was taken to the hill of Pichu, from where he attempted to enter this city; there, a bonfire was prepared, and he was thrown into it along with that of his wife, until they were turned to ashes and scattered in the air. This was carried out in the presence of Sergeant José Calderón and a detachment of soldiers who guarded the dead bodies. And for this to be confirmed wherever appropriate, I give this judicial mandate on that day, month, and year. In testimony of the truth - Juan Bautista Gamarra, Notary of His Majesty, public and of the Cabildo.

Also, this testimony is recorded – to which I refer. Cuzco, May 20, 1781.

MANUEL ESPINAVETE LOPEZ.

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